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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1935

No. 268

THE SUGAR INSTITUTE, INC., THE AMERICAN SUGAR REFINING COMPANY, MARGARET A. JAMISON, ET AL.,

Appellants,

vs.

THE UNITED STATES OF AMERICA.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

STATEMENT AS TO JURISDICTION.

JOHN C. HIGGINS,
Counsel for Appellants.

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1935

No. 268

UNITED STATES OF AMERICA,

Plaintiff,

against

THE SUGAR INSTITUTE, INC., THE AMERICAN SUGAR REFINING COMPANY, Margaret A. Jamison and Martha A. Jamison, Doing Business under the Firm Name and Style of Arbuckle Bros., California & Hawaiian Sugar Refining Corporation, Ltd., Colonial Sugars Co., The Cuban-American Sugar Co., Godchaux Sugars, Inc., William Henderson, Hunt Henderson, Chris Gambel and Fred Gambel, Doing Business under the Firm Name and Style of Henderson Sugar Refinery, Imperial Sugar Co., W. J. McCahan Sugar Refining & Molasses Co., The National Sugar Refining Co. of New Jersey, Pennsylvania Sugar Co., Revere Sugar Refinery, Savannah Sugar Refining Corp., Spreckels Sugar Corp., Texas Sugar Refining Corp., J. D. and A. B. Spreckels Securities Co. (Doing Business under the Trade Name of Western Sugar Refinery), J. F. Abbott, Earl D. Babst, W. Edward Foster, J. P. Cody, M. E. Goetzinger, George M. Rolph, William B. Tyler, C. B. Newman, George E. Keiser, Jacob Moog, I. H. Kempner, Harry G. Thompson, Louis V. Place, Manuel E. Rionda, James H. Post, Charles D. Bruyn, William H. Hoodless, Henry E. Worcester, Benjamin O. Sprague, Thomas Oxnard, Rudolph Spreckels, W. W. Harper, Edgar H. Stone, Alexander Smith, H. B. Moore, Frank E. Sullivan and Fred G. Taylor,

Defendants.

STATEMENT OF BASIS ON WHICH APPELLANTS CONTEND THE SUPREME COURT OF THE UNITED STATES HAS JURISDICTION TO REVIEW ON APPEAL THE DECREE APPEALED FROM AS REQUIRED BY SUPREME COURT RULE 12.

Pursuant to Supreme Court Rule 12, par. 1, the defendants file this their statement showing the basis on which they contend that the Supreme Court has appellate jurisdiction to review on appeal the decree appealed from herein as follows:

I. The statute believed to sustain appellate jurisdiction is Section 29 of Title 15 of the United States Code which provides that in every suit in equity brought in any District Court of the United States under any of the laws mentioned in Section 28, which mentions the anti-trust laws, wherein the United States is complainant, an appeal from a final decree of the District Court will lie only to the Supreme Court.

II. The decree appealed from was entered on the 9th day of October, 1934.

III. The appeal herein is from a decree of the District Court, in a civil case in equity, enjoining and prohibiting the defendants from engaging in various acts or activities, as set out in detail in said final decree, held to constitute violations of the so-called Sherman Anti-Trust Law, that is Section 1 of Title 15 of the United States Code.

IV. Cases believed to sustain the jurisdiction include the following:

Swift & Co. v. *United States*, 276 U. S. 311

Interstate Commerce Commission v. *Baird*, 194 U. S. 25.

Dated, New York, December 7, 1934.

Respectfully submitted,

JOHN C. HIGGINS,

Attorney for Defendants, The Sugar Institute, Inc., The American Sugar Refining Company, Margaret A. Jamison and Martha A. Jamison, Doing Business under the Firm Name and Style of Arbuckle Bros., California & Hawaiian Sugar Refining Corporation, Ltd., Colonial Sugars Co., The Cuban-American Sugar Co., Godchaux Sugars, Inc., William Henderson, Hunt Henderson, Chris. Gambel and Fred Gambel, Doing Business under the Firm Name and Style of Henderson Sugar Refinery, Imperial Sugar Co., W. J. McCahan Sugar Refining & Molasses Co., The National Sugar Refining Co. of New Jersey, Pennsylvania Sugar Co., Revere Sugar Refinery, Savannah Sugar Refining Corp., Texas Sugar Refining Corp., J. D. and A. B. Spreckels Securities Co. (Doing Business under the Trade Name of Western Sugar Refinery), J. F. Abbott, Earl D. Babst, W. Edward Foster, J. P. Cody, M. E. Goetzinger, William B. Tyler, C. B. Newman, George E.

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